



FEANTSA

Brussels, 09 February 2009

## FEANTSA contribution – Consultation on the FRA Annual Work Programme 2010

### Introduction

FEANTSA<sup>1</sup>, the European Federation of National Organisations working with the Homeless, was established in 1989 as a European non-governmental organisation. The some 100 member organisations of FEANTSA come from about 30 European countries, including 25 Member States of the European Union. Members are non-governmental organisations that provide a wide range of services to homeless people including accommodation and social support. Most of the members of FEANTSA are national or regional umbrella organisations of service providers. They often work in close co-operation with public authorities, social housing providers and other relevant actors. FEANTSA is the only major European network that focuses on homelessness and housing exclusion at European level. FEANTSA receives financial support from the European Commission for the implementation of its activities. It works closely with the EU institutions, and has consultative status at the Council of Europe and at the United Nations.

FEANTSA and its members are committed to the promotion and respect of fundamental rights and support a rights-based approach in tackling homelessness, and the use of relevant international human rights instruments. FEANTSA's policy area and main activities are homelessness (in its broadest meaning<sup>2</sup>) and social inclusion. Its thematic work focuses on data collection, employment, health, housing, housing rights and participation. Activities: trans-national exchanges, research, advocacy and policy work at European and national level.

FEANTSA agrees that the scope of the Charter of Fundamental Rights of the EU should be reflected in the work of the EU Agency for Fundamental Rights (FRA), including social rights. In particular, we believe that housing and health are among the areas where there is a need to better understand the link between policy making (direct or indirect) and access to and protection of fundamental rights. This is especially true as access to both housing and health can be considered as a precondition for the exercise of other fundamental rights. Furthermore, we believe on the one hand that these are areas where there is scope for action and progress both at EU and national level and, on the other hand, that the FRA can add value to this process.

We will shortly review and comment on some projects contained in the FRA Draft Work Programme 2010 and conclude by proposing a new item for consideration on housing rights, which we deem would be of interest.

### Comments and suggestions on the FRA Draft Work Programme 2010

#### Ongoing projects

##### 1. Research and analysis

Freedoms: in addition to the difficult situation faced by undocumented migrants, FEANTSA would like to draw attention to the situation of EU-10 migrants moving to EU-15 countries, who find themselves without work and destitute and have difficulty in accessing their fundamental rights due to lack of entitlements. In recent years, homeless service providers in specific countries have also witnessed an increasing demand from EU-10 citizens.

Equality: FEANTSA welcomes the update of the thematic comparative overview reports 2004-2007 on racial and ethnic discrimination covering, among others, the area of housing. Access to affordable and decent housing is a precondition for the enjoyment of other rights and for full participation in society. Discrimination on a variety of grounds can contribute to housing exclusion. In this context, it would be interesting to look into the different causes of vulnerability, which contribute to housing exclusion and are often inter-related<sup>3</sup>.

FEANTSA also welcomes the first priority under the heading "Protecting, respecting and promoting the rights of mentally ill persons in the EU", which will focus on a number of target groups, including homeless people. Compared to the general population, the incidence of mental illness and the lack of mental well being among people who are homeless or faced with housing exclusion is very high. Mental health problems can be one of the triggers leading to homelessness or one of its consequences. At the same time, due to a number of reasons,

<sup>1</sup> For more information on FEANTSA's structure and activities, please visit [www.feantsa.org](http://www.feantsa.org).

<sup>2</sup> FEANTSA believes that homelessness does not limit itself to rough sleeping. Homelessness and housing exclusion are complex and multifaceted realities. See ETHOS – [European Typology on Homelessness and Housing Exclusion](#).

<sup>3</sup> See FEANTSA [Access to housing – Antidiscrimination toolkit](#). See also: [Policy measures to ensure access to decent housing for migrants and ethnic minorities](#), Bill Edgar, 2004.

people who are homeless face a number of difficulties in accessing health care services, which prevent them from enjoying their rights<sup>4</sup>.

Citizen's rights: with regard to access to efficient and independent justice, FEANTSA would like to highlight the difficulties faced by people who are in a situation of extreme poverty and exclusion. In particular the difficulty of claiming one's rights when in a situation of general deprivation and precariousness, the difficulty of accessing relevant information on entitlements and the burdensome nature of proceedings. We believe that fundamental rights are interdependent and indivisible and that failure in granting basic rights has an impact in people's ability to access other rights. It would be interesting to see which targeted measures are already available and whether these are effectively implemented.

We understand that the discrimination aspect of this will be looked into in the context of a new project titled "Equal justice: exploring multiple discrimination" (people from socio-economically deprived backgrounds). However, we believe that the problem of access to rights is broader and not only a matter of discrimination.

## 2. Communication and awareness raising

FEANTSA welcomes the initiative of having a specific focus on the 2010 European Year of Combating Poverty and Social exclusion under the "Horizontal communication activities" heading.

However, FEANTSA believes that extreme poverty and social exclusion deserve specific attention in terms of research and analysis too. The 2010 European Year would be the appropriate occasion for the EU Agency for Fundamental Rights to work on the implications of extreme poverty and social exclusion in terms of access to and enjoyment of fundamental rights. FEANTSA believes that extreme poverty and social exclusion are a violation of all fundamental rights<sup>5</sup>. EU policy making increasingly impacts on a range of areas related to homelessness and housing exclusion, which are a reality in all member states. Also, considering that there is a high proportion of people living in or at risk of poverty in the EU, a FRA contribution on extreme poverty and social exclusion from a rights perspective would be of added value. This could be followed-up in terms of horizontal activities (human rights education, communication and awareness raising activities), for instance in cooperation with the Council of Europe and relevant stakeholders.

### **New projects**

Citizens' right: although this is a "third priority", FEANTSA welcomes the idea of looking into "problems in accessing the right to vote for vulnerable categories of voters". For homeless people, there are in most cases a number of hurdles ahead of the actual accessing the right to vote. These are related to their very "presence" in national or local population registers and how this allows them to access their rights in general. We therefore think that it would indeed be a relevant topic to be researched.

### **Suggestion relating to housing rights**

FEANTSA would like to suggest that the FRA consider working on housing rights, especially as the fulfilment of the right to housing is critical for the enjoyment of a full range of other rights, including political and social rights. In this context, we believe that beyond discrimination, it might be interesting for the FRA to approach housing rights from a broader human rights perspective.

FEANTSA thinks there are a number of reasons why housing rights may be of interest to the FRA<sup>6</sup>, including:

- the right to social and housing assistance is enshrined in the Charter of Fundamental Rights and although the European Union has no formal competence in the area of housing as such, there are a number of policies, which have a direct or indirect impact on individual housing rights;
- access to housing is becoming increasingly difficult in Europe and the lack of decent housing at affordable prices directly affects the lives of many households and individuals;
- there is currently a momentum at EU level and housing rights are high on the agenda of several Member States;
- the work in this area could easily be linked to previous research and build up on existing expertise;
- the right to housing would be an area where cooperation with the Council of Europe would be not only possible, but also of added value<sup>7</sup>;

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<sup>4</sup> See European report "The right to health is a human right: access to health for people who are homeless" on [FEANTSA's web site](#) and [FEANTSA's contribution](#) to the Consultation on the Green paper on Mental Health.

<sup>5</sup> As mentioned in the European Parliament report on the situation of fundamental rights in the EU 2004-2008 adopted earlier this year, see European Parliament [web site](#). See also EP [Written declaration on ending street homelessness](#) adopted in April 2008.

<sup>6</sup> See also FEANTSA's contribution to the FRA consultation with civil society of May 2007.

- the right to housing is a social right where there is scope for progress at all levels.

In this context, we would like to mention that FEANTSA<sup>8</sup> has recently set up Housing Rights Watch, a network of interdisciplinary groups of associations, lawyers and academics from different countries, who are committed to promoting the right to housing for all<sup>9</sup>. This initiative is based on the idea that the effective implementation of housing rights for all can only become a reality if all relevant stakeholders at the different levels are aware of existing tools, including case-law, and work in a coordinated way. Access to rights for the most vulnerable can be promoted through monitoring, awareness and support in concrete situations.

Considering its objective, scope of activities and tasks, we believe that the FRA could be interested in being involved in such a project in the future.

To conclude, FEANTSA has built experience in a number of areas related to homelessness and housing exclusion, and is willing to contribute to any further reflection and action in this context.

We hope this information is useful and we remain at your disposal for any further question.

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<sup>7</sup> See Council of Europe web page devoted to the [European Social Charter](#) as well as the CoE [Commissioner for Human Rights](#) web page and in particular his [Viewpoint on homelessness](#) and [Issue paper on housing rights](#).

<sup>8</sup> For more details on FEANTSA's work on housing rights, see the section of [FEANTSA web site devoted to the right to housing](#).

<sup>9</sup> See description on [FEANTSA's web site](#).